



**St. Charles Parish**  
**Meeting Agenda**  
**Parish Council**  
**Introductions**

St. Charles Parish Courthouse  
15045 Highway 18  
P.O. Box 302  
Hahnville, LA 70057  
985-783-5000  
scpcouncil@st-charles.la.us  
<http://www.stcharlesparish-la.gov>

**Council Chairman Wendy Benedetto**  
**Councilmembers Carolyn K. Schexnaydre, Snookie Fauchaux,**  
**Terrell D. Wilson, William Billy Woodruff, Paul J. Hogan,**  
**Larry Cochran, Traci A. Fletcher, Julia Fisher-Perrier**

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<b>Monday, July 15, 2013</b>	<b>6:00 PM</b>	<b>Council Chambers, Courthouse</b>
	<b>Final</b>	

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**INTRODUCTIONS**

**ORDINANCE INTRODUCED FOR PUBLICATION/PUBLIC HEARING**

**Thursday, July 25, 2013, 6:00 pm, in the Sunset Drainage District at the Bayou Gauche Volunteer Fire Department and Monday, August 5, 2013, 6:00 pm, Council Chambers, Courthouse, Hahnville**

**2013-0249** ( 7/15/2013, St. Pierre, Jr., Department of Public Works )

An ordinance appointing and designating the St. Charles Parish Council as the governing authority of the Sunset Drainage District, establishing an effective date for such change in the governance and domicile and the delivery of records, assets, employees, accounts and monies to the Parish.  
*[Per LA R.S. 38:1607(C) requirements]*

Legislative History

6/7/12	Louisiana Legislature	Enacted Legislation
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Act No. 683 amended and reenacted R.S. 38:1607(C) and repealed Sections 2 and 3 of Act 319 relative to the Sunset Drainage District in St. Charles Parish.

7/15/13	Parish President	Introduced
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**ORDINANCES/RESOLUTIONS INTRODUCED FOR PUBLICATION/PUBLIC HEARING**

**Monday, August 5, 2013, 6:00 pm, Council Chambers, Courthouse, Hahnville**

**2013-0247** ( 7/15/2013, Fauchaux )

An ordinance to amend the St. Charles Parish Code of Ordinances, Chapter 2, Administration, Article IV, Finance, Division 1. Generally, to add Section 2-75. Reimbursement of Legal Fees and Attorney's Fees as a result of an Ethics Complaint and/or Ethics Investigation.

Legislative History

7/15/13	Council Member(s)	Introduced
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## S\* 2010-0094 ( 7/15/2013, Hogan )

An ordinance to amend the Code of Ordinances Appendix A, St. Charles Parish Zoning Ordinance of 1981, Section VI. Zoning district criteria and regulations., B. Residential districts, [II.] R-1A(M). Single Family Residential Detached Conventional Homes, Manufactured Homes, and Mobile Homes-Medium density., 3. Special Provisions, by amending c. and adding e.

Legislative History

3/1/10 Legislative Committee Discussed.

Speakers:

Ms. Kim Marousek, Planning & Zoning Director

3/18/11 Council Member(s) Remediation Request Fwd'd Department of Planning & Zoning

5/2/11 Council Member(s) Introduced

5/2/11 Parish Council Publish/Scheduled PH

5/5/11 Department of Planning & Zoning No Recommendation Planning Commission

5/5/11 Planning Commission Recommended Denial Parish Council

5/16/11 Parish Council PH Requirements Satisfied

Reported:

Councilman Hogan Recommended: Approval

5/16/11 Parish Council Amended Pass

Amendment: to amend the proposed ordinance in the SUMMARY and in SECTION I. to change "... 3. Special Provisions, by amending c. and adding e." to read "... 3. Special Provisions, by adding e." and remove sections AS WRITTEN: c." and REVISED: c."

5/16/11 Parish Council Approved as Amended Fail

VOTE ON THE PROPOSED ORDINANCE AS AMENDED

Proposed ordinance failed for lack of a majority by the following vote

4/17/12 Legislative Committee Meeting Cancelled

5/16/12 Legislative Committee Meeting Cancelled

5/22/12 Legislative Committee Meeting Cancelled

5/24/12 Legislative Committee Meeting Cancelled

6/12/12 Legislative Committee Meeting Cancelled

6/19/12 Legislative Committee Discussed.

Speakers:

Ms. Kim Marousek, Planning & Zoning Director

3/7/13 Department of Planning & Zoning No Recommendation Planning Commission

3/7/13 Planning Commission Recommended Denial Parish Council

7/15/13 Council Member(s) Introduced

## S\* 2013-0251 ( 7/15/2013, Hogan )

An ordinance to rename Badeaux Lane West to Kerry's Pointe Lane in Des Allemands, LA.

Legislative History

7/15/13 Council Member(s) Introduced

**2013-0253** ( 7/15/2013, St. Pierre, Jr., Department of Planning & Zoning )

An ordinance to amend the Zoning Ordinance of 1981, Ordinance No. 81-10-6, to approve a change of zoning classification from C-2 to M-1 at Lot K-2A5-1, (approx. 10,750 sq. ft.), Almedia Plantation, 335 Almedia Road, St. Rose as requested by David Folse for Christine & Richard Perniciaro.

Legislative History

7/11/13	Department of Planning & Zoning	Received/Assigned PH	
7/11/13	Department of Planning & Zoning	Recommended Approval	Planning Commission
7/11/13	Planning Commission	Recommended Approval	Parish Council
7/15/13	Parish President	Introduced	

**2013-0254** ( 7/15/2013, St. Pierre, Jr., Department of Planning & Zoning )

An ordinance to amend the Zoning Ordinance of 1981, Ordinance No. 81-10-6, to approve a change of zoning classification from OL to M-1 at portions of Lots 7, 8, 9 John Lambert Tract (approx. 23 acres) South and adjacent to the KCS Railroad, St. Rose as requested by Edward L. Renton, Jr. for McMillion Dozer Service, Inc.

Legislative History

5/21/13	Department of Planning & Zoning	Received/Assigned PH	
7/11/13	Department of Planning & Zoning	Recommended Denial	Planning Commission
7/11/13	Planning Commission	Recommended Approval	Parish Council
7/15/13	Parish President	Introduced	

**2013-0255** ( 7/15/2013, St. Pierre, Jr., Department of Planning & Zoning )

An ordinance to amend the Zoning Ordinance of 1981, Ordinance No. 81-10-6, to approve a change of zoning classification from W and R-1M to C-3 on approx. 4 acre portion of a tract of land located at 10093 Hwy 90, Luling, as requested by Courtney Mongrue for Joe Marcello / Marsh Investments Corp.

Legislative History

4/16/13	Department of Planning & Zoning	Received/Assigned PH	
7/11/13	Department of Planning & Zoning	Recommended Approval	Planning Commission
7/11/13	Planning Commission	Recommended Approval	Parish Council
7/15/13	Parish President	Introduced	

**2013-0256** ( 7/15/2013, St. Pierre, Jr., Department of Planning & Zoning )

An ordinance approving and authorizing a Home Occupation under the operation of Walter Stevens, Jr. - "River Parish Investigations" - private investigations- at 213 Mockingbird, St. Rose.

Legislative History

5/20/13	Department of Planning & Zoning	Received/Assigned PH	
7/11/13	Department of Planning & Zoning	Recommended Approval	Planning Commission
7/11/13	Planning Commission	Recommended Approval	Parish Council
7/15/13	Parish President	Introduced	

St. Charles Parish will upon request and with three (3) days advanced notice provide reasonable accommodation to any disabled individual wishing to attend the meeting. Anyone requiring reasonable accommodation is requested to contact the Office of the Council Secretary at (985) 783-5000 to discuss the particular accommodations needed.

**2013-0249**

**INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT  
(DEPARTMENT OF PUBLIC WORKS)**

**ORDINANCE NO.**

An ordinance appointing and designating the St. Charles Parish Council as the governing authority of the Sunset Drainage District, establishing an effective date for such change in the governance and domicile and the delivery of records, assets, employees, accounts and monies to the Parish.

**WHEREAS,** the St. Charles Parish Police Jury created the Sunset Drainage District as a reorganization of the St. Charles Municipal Drainage District, on May 6, 1924 as per Ordinance No. 4-17-24, and provided for said District to be governed by a Board of Commissioners; and,

**WHEREAS,** Louisiana Revised Statutes 38:1607 (c) provides that the St. Charles Parish Council may replace the Board of Commissioners of the Sunset Drainage District as the governing authority of the District by adopting an ordinance appointing and designating the St. Charles Parish Council as the governing authority of the District; and,

**WHEREAS,** the St. Charles Parish Home Rule Charter provides that the Parish Council may, by ordinance, abolish or consolidate any Parish department, office, agency, board or commission or provide for the consolidation and transfer of any of the functions of such departments, offices, agencies, boards or commissions; and,

**WHEREAS,** it is the desire of the Parish Council to employ the former employees of the Sunset Drainage District within the department of Public Works; and,

**WHEREAS,** it is the desire of the Parish Council to proceed with improvements to the drainage and flood protection infrastructure located within the Sunset Drainage District.

**THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:**

**SECTION I.** That the St. Charles Parish Council is hereby appointed and designated as the governing authority of the Sunset Drainage District effective August 15, 2013.

**SECTION II.** That all functions of said Board of Commissioners of the Sunset Drainage District are hereby transferred to the St. Charles Parish Council effective August 15, 2013.

**SECTION III.** That on or prior to August 15, 2013, the Secretary-Treasurer of Sunset Drainage District shall deliver all records, accounts and monies to the office of the Parish President, for receipt on behalf of the St. Charles Parish Council.

**SECTION IV.** That the Director of Finance for the Parish of St. Charles shall serve as the Treasurer of said District and the St. Charles Parish Courthouse, 15045 River Road, Hahnville, Louisiana shall be the domicile of said District.

**SECTION V.** That in order to facilitate the transfer of governing authority of the District all persons previously employed by the Sunset Drainage District shall be subject to Parish employment policies, rules and regulations as well as provisions of the Parish Charter. Accordingly, the previous District employees shall be eligible to the same rights and privileges and the same restrictions and requirements as other similarly situated Parish employees regarding benefits, vacation and sick leave, transfer and assignment. Accordingly, the Civil Service Board shall adopt the positions of "Sunset Drainage Foreman" and "Sunset Drainage Operator" and shall set their pay at 90% and 100% of the hourly rates of pay of the corresponding Sunset District job descriptions respectively. Accordingly, the former District employees shall be exempt from qualifying for their current jobs through testing and be placed in the appropriate Civil Service Pay Grade.

**SECTION VI.** That any borrow material excavated from Lot 761 [also known as Fractional Ten (10) in Township 14 South, Range 20 East, Parish of St. Charles, State of Louisiana containing Two Hundred Eighty-Five and 60/100 (285.60) acres, more or less] determined to be useful in the construction of flood protection infrastructure shall only be utilized in the construction and/or improvement of flood protection infrastructure within the boundary of the Sunset Drainage District in perpetuity.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

And the ordinance was declared adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2013, to become effective five (5) days after publication in the Official Journal.

Ordinance - Sunset Drainage District Transfer revised

CHAIRMAN: \_\_\_\_\_

SECRETARY: \_\_\_\_\_

DLVD/PARISH PRESIDENT: \_\_\_\_\_

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

PARISH PRESIDENT: \_\_\_\_\_

RETD/SECRETARY: \_\_\_\_\_

AT: \_\_\_\_\_ RECD BY: \_\_\_\_\_

2013-0253

INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT  
(DEPARTMENT OF PLANNING & ZONING)

ORDINANCE NO. \_\_\_\_\_

An ordinance to amend the Zoning Ordinance of 1981, Ordinance No. 81-10-6, to approve a change of zoning classification from C-2 to M-1 at Lot K-2A5-1, (approx. 10,750 sq. ft.), Almedia Plantation, 335 Almedia Road, St. Rose as requested by David Folse for Christine & Richard Perniciaro.

**WHEREAS,** Lot K-2A5-1, Almedia Plantation, 335 Almedia Road totals approximately 10,750 square feet; and,

**WHEREAS,** Lot K-2A5-1, Almedia Plantation, 335 Almedia Road is zoned C-2; and,

**WHEREAS,** St. Charles Parish Planning and Zoning Commission held the required public hearing on July 11, 2013; and,

**WHEREAS,** if approved the Future Land Use Map for the site will be corrected accordingly.

**THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:**

**SECTION I.** An ordinance to amend the Zoning Ordinance of 1981, Ordinance No. 81-10-6, to approve a change of zoning classification from C-2 to M-1 at Lot K-2A5-1, (approx. 10,750 sq. ft.), Almedia Plantation, 335 Almedia Road, St. Rose as requested by David Folse for Christine & Richard Perniciaro.

**SECTION II.** To authorize the Department of Planning & Zoning to amend the official St. Charles Parish Zoning Map to reflect the zoning reclassification to M-1.

**SECTION III.** To authorize the Department of Planning and Zoning to change the Future Land Use Map, in the Comprehensive Land Use Plan adopted under ordinance 11-6-11 from General Commercial to Light Industrial on the property.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

And the ordinance was declared adopted this \_\_\_\_ day of \_\_\_\_\_, 2013, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: \_\_\_\_\_

SECRETARY: \_\_\_\_\_

DLVD/PARISH PRESIDENT: \_\_\_\_\_

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

PARISH PRESIDENT: \_\_\_\_\_

RETD/SECRETARY: \_\_\_\_\_

AT: \_\_\_\_\_ RECD BY: \_\_\_\_\_

**RECOMMENDATIONS AT A GLANCE**

PZR-2013-11 requested by David Folse for Christine & Richard Perniciaro for a change in zoning classification from C-2 to M-1 at Lot K-2A5-1, (approx. 10,750 sq. ft.), Almedia Plantation, 335 Almedia Road, St. Rose. Council District 5.

**Planning Department Recommendation:**

Approval

**Planning Commission Recommendation:**

Approval



Mr. Gibbs: Next item on the agenda is PZR-2013-11 requested by David Folse for Christine & Richard Perniciaro for a change in zoning classification from C-2 to M-1 at Lot K-2A5-1, (approx. 10,750 sq. ft.), Almedia Plantation, 335 Almedia Road, St. Rose. Council District 5. Mr. Romano.

Mr. Romano: This request is to rezone approximately 10,000 square feet of land from C-2 to M-1. The application indicates a contemplated use of the site as a laydown area for landscaping.

The Department concludes that this application meets all tests of the third criteria.

It is not a capricious or arbitrary action because it would join the other M-1 zoned sites abutting and across LA 50 from the site. This also means that it would not create a monopoly of M-1 uses and would more likely increase the value of neighboring properties due to it being zoned similarly. It will also result in similar land uses as the other M-1 properties. And because it will add to existing acreage zoned M-1, there is not a spot zone being created.

There are other considerations in that the site is likely too small for commercial development when considering the required parking and landscaping. M-1 allows storage of material and equipment, precisely the intention stated by the applicant. Rezoning to M-1 is also more consistent with the Future Land Use Map, which recommends light-industrial uses along this segment of LA 50. Thus the Department recommends approval.

Mr. Gibbs: Thank you Mr. Romano. This is a public hearing for PZR-2013-11, anyone in the audience care to speak in favor or against? Is the applicant here? Please come forward.

My name is David Folse, I'm at 3725 W. Grand Lake, Kenner. I do a lot of work in St. Charles Parish, I want to get my occupational license here and I do a lot of work at IMTT. We found this property, it fits my usage for storing my equipment so that when I work at IMTT don't have to go to Des Allemands where I do own property to get my equipment. That's the main reason I wanted to get this changed so I can have my equipment locally, adjacent to the property. I'm going to move my office to there from my house in future, not necessarily right away, but in the future.

Mr. Gibbs: Thank you Mr. Folse. Any questions or concerns for Mr. Folse? Thank you sir. This is a public hearing for PZR-2013-11, is there anyone else that care to speak in favor or against?

Mr. Booth: This is in my district, it seems to be the right thing to do for this piece of property and it will get more commercial use of the land that we do need in this parish, so I support it.

Mr. Gibbs: Thank you Mr. Booth. Anyone else? Cast your vote please.

YEAS: Foster, Booth, Gibbs, Galliano, Loupe

NAYS: None

ABSENT: Frangella, Pierre

Mr. Gibbs: That passes unanimously with Mr. Frangella and Ms. Pierre absent. Mr. Folse, this goes to the Parish Council on August 5<sup>th</sup>, same venue, same format. Thank you.

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**2013-0254**

**INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT  
(DEPARTMENT OF PLANNING & ZONING)**

**ORDINANCE NO. \_\_\_\_\_**

An ordinance to amend the Zoning Ordinance of 1981, Ordinance No. 81-10-6, to approve a change of zoning classification from OL to M-1 at portions of Lots 7, 8, 9 John Lambert Tract (approx. 23 acres) South and adjacent to the KCS Railroad, St. Rose as requested by Edward L. Renton, Jr. for McMillion Dozer Service, Inc.

**WHEREAS,** Portions of Lots 7, 8, & 9 of the John Lambert Tracts south of and adjacent to the KCS Railroad totals approximately 23 acres; and,

**WHEREAS,** said Portions of Lots 7, 8, & 9 of the John Lambert Tracts south of and adjacent to the KCS Railroad the site is vacant and zoned OL; and,

**WHEREAS,** St. Charles Parish Planning and Zoning Commission held the required public hearing on July 11, 2013; and,

**WHEREAS,** if approved the Future Land Use Map for the site will be corrected accordingly.

**THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:**

**SECTION I.** An ordinance to amend the Zoning Ordinance of 1981, Ordinance No. 81-10-6, to approve a change of zoning classification from OL to M-1 at portions of Lots 7, 8, 9 John Lambert Tract (approx. 23 acres) South and adjacent to the KCS Railroad, St. Rose as requested by Edward L. Renton, Jr. for McMillion Dozer Service, Inc.

**SECTION II.** To authorize the Department of Planning & Zoning to amend the official St. Charles Parish Zoning Map to reflect the zoning reclassification to M-1.

**SECTION III.** To authorize the Department of Planning and Zoning to change the Future Land Use Map, in the Comprehensive Land Use Plan adopted under ordinance 11-6-11 from Moderate Density Residential to Light-Industrial.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

And the ordinance was declared adopted this \_\_\_\_ day of \_\_\_\_\_, 2013, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: \_\_\_\_\_

SECRETARY: \_\_\_\_\_

DLVD/PARISH PRESIDENT: \_\_\_\_\_

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

PARISH PRESIDENT: \_\_\_\_\_

RETD/SECRETARY: \_\_\_\_\_

AT: \_\_\_\_\_ RECD BY: \_\_\_\_\_

**RECOMMENDATIONS AT A GLANCE**

PZR-2013-10 requested by Edward L. Renton, Jr. for McMillion Dozer Service, Inc. for a change in zoning classification from OL to M-1 at portions of Lots 7, 8, 9 John Lambert Tract (approx. 23 acres) South and adjacent to the KCS Railroad, St. Rose. Council District 5.

**Planning Department Recommendation:**

Denial

**Planning Commission Recommendation:**

Approval

Mr. Gibbs: Next item on the agenda is PZR-2013-10 requested by Edward L. Renton, Jr. for McMillion Dozer Service, Inc. for a change in zoning classification from OL to M-1 at portions of Lots 7, 8, 9 John Lambert Tract (approx.. 23 acres) South and adjacent to the KCS Railroad, St. Rose. Council District 5. Mr. Romano.

Mr. Romano: This request is to rezone 3 vacant tracts, approximately 23 acres, from OL (Open Land) to M-1 (Light Industrial). The expressed use of the application is for open storage of modular office buildings with rental office and repair services. In order for recommendation of a rezoning request, all tests of at least one of the criteria listed in applicable regulations must be met. **The Department concludes that this application fails at least one test of all three zoning criteria.**

The first criteria seeks to determine the extent that the land use pattern in the vicinity has changed to the extent that reasonable use of the property under the current zoning no longer exists. Based on the following information, the Department concludes that the request does not meet the first zoning criteria:

The abutting property to the west was rezoned to M-1 in 1993 and has remained undeveloped. Further to the west, properties are zoned OL, and are vacant. The property abutting to the east and south is zoned and developed as single family residential. There is no M-1 type uses developed next to or across the street from the site under consideration. The property is land locked between the Canadian National and the Kansas City Southern railroad tracks as it does not front on a developed public street. Access across the northernmost set of tracks is via a private crossing. Public access to the property is through the adjoining neighborhood via unopened rights of way from Kennedy Street or Almedia Plantation Drive. Future development of the site will either need to come through an agreement with the property owner to the east (the applicant) to access the property from Beltway Drive or the future developer would need to improve the access from Kennedy Street or Almedia Plantation Drive. The applicant has indicated the site would be accessed from Beltway over the private railroad crossing. Confirmation from the railroad will be required upon future permitting. Potential limitations associated with access would make the current OL zoning more compatible with the existing neighborhood to the east; the general area and situation of the property, (i.e. lying between two railroad tracks), limits the usefulness and ability to develop the property.

The second criteria seeks to determine if the rezone will comply with the general public welfare and will not unduly burden existing public facilities. Based on the following information, the Department concludes that the request does not meet the second zoning criteria:

If the developer is able to access the site from the I-310 frontage road the proposed development should not cause undue congestion of streets; however, access to the existing neighborhood with a light industrial use could create off-site traffic impacts. Please note that the applicant has not proposed access via the unopened rights of way. The applicant will be required upon development to obtain approval from the Parish to ensure proper drainage, sewerage and other utilities are installed so as not to impact the existing development in the area. Drainage is of some concern in the area and the applicant has been advised that storm water runoff from this site will not be permitted in the Turtle Pond pump station. Light industrial development should not cause impacts to schools or other public facilities. The M-1 zoning district allows all uses permitted in the C-3 (Highway Commercial) zoning district as well as a range of light manufacturing, open storage and warehousing uses. These types of uses have the potential to generate noise, glare, and dust which could be considered incompatible with the existing neighborhood to the east and south. The development pattern in the area is trending toward heavy commercial along the I-310 Frontage Road. M-1 zoning exists on property at the intersection of Almedia Plantation Drive and Almedia Road. With the exception of the subject property, the neighborhood is nearly surrounded by highway commercial and light industrial zoning. Therefore, it could be argued that an oversupply of undeveloped commercial and industrial zoning already exists in the general vicinity.

The third criteria seek to ensure a potential rezone is in keeping with zoning laws and precedents. Based on the following information, the Department concludes that the request does not meet the third zoning criteria:



The property immediate adjacent to the west is zoned M-1 so extending the zoning boundary to the east to incorporate the subject property would not be considered a spot zone nor would it create a monopoly. The property in this vicinity was contemplated under the St. Charles Comprehensive Land Use Plan as moderate to low density residential, anticipating development via an extension of Almedia Drive. Because of the limited access via a public street and because the subject property has remained undeveloped, a rezone to M-1 could adversely affect the reliance the neighboring property owners have placed on the existing zoning patterns. The Department recommends denial, but if approved, the Department recommends modifying the Future Land Use Map to reflect light industrial. In closing, I would like to point out that you received a copy of a correspondence that I received from Kansas City Southern and would like to read it into the record.

Mr. Gibbs: I have that right here Mr. Romano. Thank you. Kansas City Southern received your preliminary information and will research for review any active agreement for the crossing, determine what requirements will be necessary to handle the traffic you described and determine if additional traffic control devices will be needed for this private crossing. Allen Pepper, US Public Director, Kansas City Southern Railroad. This is a public hearing for PZR-2013-10. Is there anyone in the audience that would like to speak in favor or against?

Good Evening Ladies and Gentlemen, my name is Ed Renton, I'm the applicant, 160 W. Airline, Kenner. I distributed earlier a packet, in the Planning Department's presentation there was some question as far as access. I'd like to go on the record to say that the only access to the property, would be from Beltway Drive. I am the adjoining property owner that was mentioned, even though it wasn't stated that I was. I own the property immediately to the left of the subject property. Our intention would be to come back for the parish Planning and Zoning Commission as well as the Council if the zoning were approved and make that one lot of record to eliminate any future concerns about how one lot would gain access across the railroad crossing. I would like to go on record by saying that would be our intent to do that. It was questioned whether there is a private crossing, by the letter that you have currently, it backs me up that there is. There's one other, if you look in your package, there's another servitude that is recorded and it's a little bit of a hybrid and I'll take a moment to tell you. When all of this property was originally expropriated for the construction of I-310 all these properties went out to Airline Hwy. Subsequently, DOTD came in and expropriated and there were a number of different variations that came out. At the end of the day, what is the LPL power line right of way, that's owned by DOTD and that's the servitude that's in your packet. I have at the end of Beltway Drive, a private railroad crossing and the DOTD servitude that actually extends if you will, Beltway Drive onto my property. That would be the only access that we would ever see and there would never be any entry through Turtle Pond. Quite honestly, the reason is when we met with drainage Friday a week ago, they wanted all the drainage from this property to run west. I made application to DOTD to put a culvert under the Beltway Drive right of way, I don't see any reason why, I met with the representative from both DOTD and they told me today that I would have a permit on Monday to do that. So all the drainage would run west and about 150 ft. west of Beltway Drive which is still on the west side of the servitude, there is a weir that goes underneath the railroad to let that water out. So there will be no further impact or request from the railroad to move that water to the west. I apologize for such big print, but it printed out pretty large. I put that in your packet, that's the tenant for the property, ModSpace would be constructing about a 6,000 sq. ft. warehouse, this is a picture of one they just did in Michigan, they have a pretty standard foot print. I have a 5200 sq. ft. that is a modular office building which could potentially be put on site and the bulk of it is just storage for their unoccupied office trailers. The property would be limestone except for the parking area required for parking for the office, it would be fenced and security lighted. I'll answer any questions.

Mr. Gibbs: Thank you Mr. Renton. Any questions for Mr. Renton?

Mr. Foster: This railroad crossing I see that the railroad people must have some concerns about it, is it a good railroad crossing?

Mr. Renton: Probably a year ago, they came in and the railroad is going through the parish right now, replacing crossings. I know they just did Riverbend Drive. They came in and improved that property, it's drivable, asphalt with an apron on the other side of it. The only question from what was read into the record inquired about could there be any type of more signaling that would be required and certainly if the railroad mandated that we would have to comply with it.

One thing I would like to ask for the record, ModSpace is currently located in LaPlace and they'll be bringing 50 full time employees and 25-30 contract employees to the site and there is a little over \$10M in revenue and I would respectfully request your support.

Mr. Gibbs: Thank you Mr. Renton. Are there any other questions for Mr. Renton? This is a public hearing for PZR-2013-10, is there anyone in the audience that would like to speak for or against?

Oscar Bennett, I reside at 213 Eisenhower Street, St. Rose. I also own the property adjacent to the undeveloped extension of Almedia Plantation Road. I'm not either for or against because I don't have any information, but we do own several other properties that but up to the eastern boundary of that and I would like more information from the developer if possible. It has flooded in the past and there's supposedly no impact to the drainage but if there are any elevation changes it would affect us. Obviously he said that there would be no access into that tract from the subdivision, that's favorable to me as far as that point.

Mr. Gibbs: He indicated that the water is going to be moving in one direction to the west, so that sounds favorable.

Mr. Bennett: Right.

Mr. Gibbs: If you want to have a conversation with him, that's fine.

Ms. Marousek: I just wanted to add that we did meet with public works staff on this site and they did talk to the applicant about the drainage concerns and they are aware of the issues in the Turtle Pond neighborhood with regards to the drainage and he is confident that as he goes through the development process, the public works department will be very clear about not adding additional water into that pump station.

Mr. Bennett: I've walked that levee behind my property there is a drainage ditch and there is a levee there and as you get closer to the railroad to the south, it drops down in elevation before it reaches the railroad track.

Mr. Gibbs: Thank you Mr. Bennett. This is a public hearing for PZR-2013-10 is there anyone else in the audience that care to speak for or against?

Mr. Booth: This is in my district. I think this is the right thing to do to put this land back into commerce and get some tax for the parish out of it. After getting information from the developer, I think he wants to make sure that the drainage is not a problem, it's a big concern of course, we focus on it this time of year more than others. The site is going to be developed by a first class company, it's not a fly by night thing, it will be something that we will be proud of, so I support that.

Mr. Gibbs: Thank you Mr. Booth. Any other questions or concerns? Cast your vote please.

YEAS: Foster, Booth, Gibbs, Galliano, Loupe

NAYS: None

ABSENT: Frangella, Pierre

Mr. Gibbs: That passes unanimously with Mr. Frangella and Ms. Pierre absent. Mr. Renton, this will go to the Parish Council on August 5<sup>th</sup>, same venue, pretty much the same format.

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**2013-0255**

**INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT  
(DEPARTMENT OF PLANNING & ZONING)**

**ORDINANCE NO. \_\_\_\_\_**

An ordinance to amend the Zoning Ordinance of 1981, Ordinance No. 81-10-6, to approve a change of zoning classification from W and R-1M to C-3 on approx. 4 acre portion of a tract of land located at 10093 Hwy 90, Luling, as requested by Courtney Mongrue for Joe Marcello / Marsh Investments Corp.

**WHEREAS,** approximately 4 acres of property at 10093 Hwy 90 Luling is zoned W and R-1M; and,

**WHEREAS,** the St. Charles Parish Planning and Zoning Commission held the required public hearing on July 11, 2013; and,

**WHEREAS,** if approved rezoning to C-3 is consistent with the Future Land Use Map recommendation for Mixed Use Corridor.

**THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:**

**SECTION I.** An ordinance to amend the Zoning Ordinance of 1981, Ordinance No. 81-10-6, to approve a change of zoning classification from W and R-1M to C-3 on an approximately 4 acre portion of a tract of land located at 10093 Hwy 90, Luling, referenced on exhibit survey by Dufrene Surveying dated December 14, 2009 and revised on June 26, 2013 to show proposed rezone, as requested by Courtney Mongrue for Joe Marcello / Marsh Investments Corp.

**SECTION II.** To authorize the Department of Planning & Zoning to amend the official St. Charles Parish Zoning Map to reflect the zoning reclassification to C-3.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

And the ordinance was declared adopted this \_\_\_\_ day of \_\_\_\_\_, 2013, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: \_\_\_\_\_

SECRETARY: \_\_\_\_\_

DLVD/PARISH PRESIDENT: \_\_\_\_\_

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

PARISH PRESIDENT: \_\_\_\_\_

RETD/SECRETARY: \_\_\_\_\_

AT: \_\_\_\_\_ RECD BY: \_\_\_\_\_

## **RECOMMENDATIONS AT A GLANCE**

PZR-2013-07 requested by Courtney Mongrue for Joe Marcello / Marsh Investments Corp for a change in zoning classification from W and R-1M to C-3 on approx. 4 acre portion of a tract of land located at 10093 Hwy 90, Luling. Council District 2.

### **Planning Department Recommendation:**

Approval

### **Planning Commission Recommendation:**

Approval



Mr. Gibbs: Next item on the agenda is PZR-2013-07 requested by Courtney Mongrue for Joe Marcello / Marsh Investments Corp for a change in zoning classification from W and R-1M to C-3 on approx. 4 acre portion of a tract of land located at 10093 Hwy 90, Luling. Council District 2. Mr. Romano.

Mr. Romano: Thank you Mr. Chairman. This request is to rezone approximately 3.5 acres of land from W and R-1M to C-3 and R-1M. There is a bar and boat launch business operating on the site in legal non-conforming status so the site exists as a previously impacted area. Also, in 2011, approximately 6 acres of the site was rezoned from W to R-1M but no development has occurred since approval. The applicant now requests to rezone some of what is now R-1M and the remaining portion of the property zoned W to C-3. With approval of this request a total of 6.1952 acres will be zoned R-1M and a total of 3.5404 acres will be zoned C-3, with the C-3 portion fronting Hwy 90 and the R-1M portion being to the rear (refer to enclosed exhibit survey). Upon permitting, the applicant will be required to meet all state and federal regulations that may apply due to any wetland restrictions on the subject property.

In order for recommendation of a rezoning request, all tests of at least one of the criteria listed in applicable regulations must be met. **The Department concludes that this application meets all tests of the second criteria.**

Approval would result in a potential land use that would contribute minimally to congestion conditions on Hwy 90. The most recent traffic counts on Hwy. 90 in St Charles Parish range from a high of nearly 30,000 vehicles per day (vpds) near I-310 to approximately 18,400 vpds at the nearest traffic station to the west of the applicant site. This total then increases again in Jefferson Parish. Thus, Highway 90 at this site is at the lower end of the traffic count spectrum. A highway commercial development on a less than 4-acre site will likely do little to change condition, especially since the surrounding vicinity is sparsely developed. Land use incompatibility is not an issue based on the fact that there are already C-3 uses on site. Furthermore, the potential land use change is also consistent with the St Charles Parish 2030 Future Land Use Map recommendation of Mixed Uses along the US 90 corridor. The Department recommends approval.

Mr. Gibbs: Thank you Mr. Romano. This is a public hearing for PZR-2013-07, is there in the audience that would care to speak in favor or against? Is the applicant here? Would you care to come up and give us a good idea or reiterate what Mr. Romano has explained to us? State your name and address.

Courtney Mongrue. The reason I wanted to get the C-3 was in case we want to do anything. The future comes, we'll have all of this done already. I don't plan to do anything immediately, but I just want to have it in case something comes up, everything will already be approved. That's about it.

Mr. Gibbs: Thank you Mr. Mongrue. Any questions or concerns? Is there anyone else in the audience to speak in favor or against PZR-2013-07? Seeing none, cast your vote please.

YEAS: Foster, Booth, Gibbs, Galliano, Loupe  
NAYS: None  
ABSENT: Frangella, Pierre

Mr. Gibbs: That passes unanimously with Mr. Frangella and Ms. Pierre absent.

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**2013-0256**

**INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT  
(DEPARTMENT OF PLANNING & ZONING)**

**ORDINANCE NO. \_\_\_\_\_**

An ordinance approving and authorizing a Home Occupation under the operation of Walter Stevens, Jr. –“River Parish Investigations”– private investigations– at 213 Mockingbird, St. Rose.

**WHEREAS,** the St. Charles Parish Code of Ordinances, Appendix A, Section XXII states that home occupations requiring any state license or permit must be approved by the Parish Council; and,

**WHEREAS,** the home occupation permit requested by Walter Stevens, Jr. requires licensing by the Louisiana Board of Private Investigations; and,

**WHEREAS,** the St. Charles Parish Planning and Zoning Commission recommended approval of the request at a regular meeting on July 11, 2013.

**THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:**

**SECTION I.** That the request for a home occupation permit by Walter Stevens, Jr. –“River Parish Investigations”– private investigations– at 213 Mockingbird, St. Rose – is approved.

**SECTION II.** That the Department of Planning & Zoning is authorized to grant said home occupation permit.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

And the ordinance was declared adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2013, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: \_\_\_\_\_

SECRETARY: \_\_\_\_\_

DLVD/PARISH PRESIDENT: \_\_\_\_\_

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

PARISH PRESIDENT: \_\_\_\_\_

RETD/SECRETARY: \_\_\_\_\_

AT: \_\_\_\_\_ RECD BY: \_\_\_\_\_

**RECOMMENDATIONS AT A GLANCE**

PZHO-2013-10 requested by Walter Stevens, Jr. for special permission to operate "River Parishes Investigations" – private investigations at 213 Mockingbird Lane, St. Rose. Zoning District R-1A. Council District. 5.

**Planning Department Recommendation:**

Approval

**Planning Commission Recommendation:**

Approval

Mr. Gibbs: Next item on the agenda is PZHO-2013-10 requested by Walter Stevens, Jr. for special permission to operate "River Parishes Investigations" – private investigations at 213 Mockingbird Lane, St. Rose. Zoning District R-1A. Council District. 5. Ms. Stein.

Ms. Stein: Thank you Mr. Chair. Mr. Stevens completed his application to use his residence as the home office for River Parishes Investigations, LLC earlier in May. The corporation was filed with the Secretary of State days earlier. Mr. Stevens currently is a law enforcement officer.

The request appears before the Planning and Zoning Commission because of the need for licensing by the Louisiana Board of Private Investigations.

The request appears to meet the general requirements for home occupations ordinance. However, we did receive one letter of objection that you may have and may want to read into the record. The Department recommends approval.

Mr. Gibbs: Thank you Ms. Stein. This is a public hearing for PZHO-2013-10. Do we have anyone in the audience that would like to speak in favor or against?

I'm Walter Stevens, 213 Mockingbird Lane, St. Rose, La. As per the state, I'm required to have an occupational license to do paperwork at my house.

Mr. Gibbs: Are you going to go to your clients?

Mr. Stevens: Yes.

Mr. Gibbs: You won't hold any meetings at your residence?

Mr. Stevens: No.

Mr. Booth: One of your neighbors at 217 Mockingbird, Mrs. Frederick Smith is concerned about parking congestion and as you've stated, there will be no negative impact to the neighborhood. In fact, no one will know anything is going on because there will be no activity at your house.

Mr. Stevens: That's correct. I'm required to have an occupational license for my business.

Mr. Gibbs: It just appears that they were concerned about congestion and you've addressed that. You're presently a law enforcement officer in St. Charles Parish?

Mr. Stevens: I've been in law enforcement for 20 years.

Mr. Gibbs: This is a public hearing for PZHO-2013-10 is there anyone else in the audience that would like to speak for or against?

Mr. Booth: This is in my area. Other than the one problem that has already been addressed, no one else has approached me about this, I think it would be something that would help not only the applicant but his clientele so I recommend that we do this.

Mr. Gibbs: Thank you Mr. Booth. Any other questions or concerns? Cast your vote please.

YEAS: Foster, Booth, Gibbs, Galliano, Loupe  
NAYS: None  
ABSENT: Frangella, Pierre

Mr. Gibbs: That passes unanimously with Mr. Frangella and Ms. Pierre absent. Mr. Stevens, this is going to go to the Council, same venue on August 5<sup>th</sup>. You'll go through pretty much the same procedure.

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